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DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

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* Documents E/CN.4/1994/L.10 and addenda contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, are contained in documents E/CN.4/1994/L.11 and addenda.

XVI. EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

1. The Commission considered item 16 of the provisional agenda concurrently with items 7, 8 and 15 (see chaps. VII, VIII and XV) at its 13th to 19th meetings, from 8 to 11 February, and its 41st and 42nd meetings, on 25 February 1994. 1/

2. The Commission had before it the following documents:

Note by the Secretary-General (E/CN.4/1994/69);

Report of the Secretary-General on financing and adequate staff resources for the operations of the human rights treaty bodies (E/CN.4/1994/101).

3. In the general debate on item 16, statements 3/ were made by the following members of the Commission: Australia (14th), Austria (15th), Bangladesh (17th), Brazil (17th), Canada (15th), China (14th), Italy (17th), Poland (16th), Russian Federation (14th), United Kingdom of Great Britain and Northern Ireland (16th).

4. The Commission also heard statements by the observers for the following countries: New Zealand (15th), Sweden (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (13th).

5. The Commission also heard a statement by the following non-governmental organization: Inter-Parliamentary Union (19th).

6. At its 41st meeting, the Commission took up consideration of the draft resolutions submitted under agenda item 16.

7. The representative of Canada introduced draft resolution E/CN.4/1994/L.24, sponsored by Australia, Austria, Canada, Chile, Denmark*, Finland, Norway* and the United Kingdom of Great Britain and Northern Ireland. Armenia*, Brazil, Cameroon, Costa Rica, the Czech Republic*, France, Germany, Hungary, the Netherlands, New Zealand, Portugal*, the Republic of Korea, Sweden* and the United States of America subsequently joined the sponsors of the draft resolution.

8. The representative of Canada orally revised the draft resolution as follows:

(a) In operative paragraph 2, replace the words "including their arrears" by the word "outstanding" and delete the phrase "until the amendments enter into force".

(b) In the penultimate line of operative paragraph 6, insert the word "other" between "with" and "relevant".

(c) In operative paragraph 7 (b), insert the word "Recommending" before "designating".

(d) In operative paragraph 7 (d), replace the word "global" by the words "single comprehensive" and delete the word "comprehensive" before "periodic".

(e) Replace operative paragraph 8 (c), reading:

"Invites the treaty bodies to identify States which could benefit from technical assistance in completing their initial reports"

by the following text:

"Invites States parties which have been unable to comply with the requirement to submit their initial report to avail themselves of technical assistance".

(f) Replace operative paragraph 9, reading:

"Encourages all treaty bodies to adopt the practice of examining States parties significantly delinquent in their reporting obligations even in the absence of their reports" by the following text:

"Urges States parties to address, as a matter of priority, at their next scheduled meeting, the issue of States parties significantly delinquent in their reporting obligations".

9. The representative of India proposed that the draft resolution should be amended by replacing the expression "significantly delinquent in" in operative paragraph 9, as orally revised by the representative of Canada, by the phrase "which had not been able to comply with".

10. The representative of Kenya proposed that the draft resolution should be amended by replacing the expression "significantly delinquent in" in operative paragraph 9, as orally amended by the representative of Canada, by the phrase "which have consistently failed to comply with".

11. The representatives of Canada, Cuba, India, Pakistan and the Syrian Arab Republic made statements regarding the draft resolution and the amendments proposed.

12. Consideration of draft resolution E/CN.4/1994/L.24 was postponed.

13. At its 42nd meeting, the Commission resumed consideration of draft resolution E/CN.4/1994/L.24.

14. The representative of Canada proposed that operative paragraph 9 should be amended to read:

"Urges State parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations".

15. The representative of Cuba requested that, in the Spanish version of operative paragraph 6 only, the expression "y otros órganos pertinentes de las Naciones Unidas" in the penultimate line should be replaced by "y los órganos competentes de las Naciones Unidas".

16. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

17. The draft resolution, as revised, was adopted without a vote.

18. For the text as adopted, see chapter II, section A, resolution 1994/19.